

REMARKS

The Office Action of June 7, 2007 presents the examination of claims 1-18, claims 19-30 standing withdrawn from consideration following restriction. Claims 12-18 are indicated as allowed. Claims 2 and 9 are objected to as depending from a rejected base claim, but are indicated as allowable if re-written into independent form.

Claim amendments

Claims 4, 5, 7-9, 11, 12, 15-19, 21, 22, 25-26 and 28 are amended to correct minor typographical errors arising from a formatting error in “track changes” operation.

Claim 1 is amended to incorporate the features of claim 2, and claim 2 is therefore canceled. Claim 1 is further amended to clarify the relationship of the “top” of the spot to its “lateral surface”. Support for this amendment is provided in the specification at least by Figure 2a). Claim 3 is similarly amended.

New claim 31 represents claim 9 rewritten into independent form.

No new matter is introduced by any amendment.

Specification amendments

The specification is amended to correct description of the figures as required by the Examiner. The amendment to describe conditions for Figure 10b) and 10c) incorporates text from these figures, and so does not add any new matter.

Objection to the specification

The Examiner objects to the specification on the ground that there is no separate description of Figures 8a) and 8b) and for Figures 10a) to 10c). The amendments to the specification obviate this objection.

Objection to the claims

Claim 1 is objected to as including confusing language in the recitation, “at least the surface of the substrate around the protruding spot part, the lateral surface of the spot part...”. Claim 1 has been amended in a manner Applicants believe overcomes this objection. Claim 3 is similarly amended for clarity.

Rejection under 35 USC § 102

Claims 1, 3-8, 10 and 11 are rejected under 35 USC § 102(e) as lacking novelty over Agrawal ‘872. Claim 1 has been amended to incorporate the feature of claim 2, which is indicated as allowable but rejected as depending from a rejected base claim. This should make claim 1 allowable, and also make allowable claim 9 and all other claims dependent from claim 1.

CONCLUSION

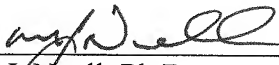
The favorable action of allowance of the pending claims is respectfully requested.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Mark J. Nuell, Ph.D. (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

Dated: September 7, 2007

Respectfully submitted,

By 
Mark J. Nuell, Ph.D.

Registration No.: 36,623

BIRCH, STEWART, KOLASCH & BIRCH, LLP

12770 High Bluff Drive

San Diego, CA 92130

(858) 792-8855

Attorney for Applicant